

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND,
SOUTHERN DIVISION**

B&J ENTERPRISES, LTD.)	
t/a Washington Talent Agency)	
14670 Rothgeb Drive)	
Rockville, MD 20850)	
)	
Plaintiff,)	
)	
v.)	Civil No.:
)	
KEN GIORDANO)	
7245 Suntide Place)	
Colorado Springs, Colorado 80919)	
)	
and)	
)	
ALBRECHT ENTERTAINMENT)	
SERVICES, INC.)	
7245 Suntide Place)	
Colorado Springs, Colorado 80919)	
)	
<u>Defendants.</u>)	

COMPLAINT

Comes now B&J Enterprises, LTD, (hereinafter "Plaintiff") by and through its attorneys, Louis Fireison & Associates, P.A., Louis Fireison, Esquire, and Vincent T. Lyon, Esquire, for a cause of action state as follows:

JURISDICTION

1. This Court has original jurisdiction over the action based on diversity of citizenship under the provisions of 28 U.S.C. § 1332 and pursuant to a Federal question under the provisions of 28 U.S.C. § 1331.
2. This civil action involves violation of trademark, arising under Title 15 of

the United States Code.

3. Plaintiff is, and at all times was a corporation organized under the laws of Maryland and having its principle place of business in Maryland.

4. Upon information and belief, Defendant Ken Giordano is citizen and resident of the State of Colorado.

5. Upon information and belief, Defendant Albrecht Entertainment Services, Inc. is a business incorporated and having its principle place of business in Colorado.

6. The Amount in controversy exceeds \$75,000.00.

FACTS COMMON TO ALL COUNTS

7. Plaintiff repleads and incorporates paragraphs 1-6 as if fully set forth herein.

8. Plaintiff has been in the business of providing entertainment services under the trademark Washington Talent Agency for over twenty (20) years.

9. Plaintiff was first to use the name Washington Talent Agency in commerce.

10. Defendant Ken Giordano is the owner and Chief Executive Officer of Defendant Albrecht Entertainment Services, Inc.

COUNT I (Cyberpiracy: 15 USC § 1125)

11. Plaintiff repleads and incorporates paragraphs 1-10 as if fully set forth herein.

12. Plaintiff was the first to use the name Washington Talent Agency in commerce.
13. As a result of the long experience, skill and care in providing entertainment services, Plaintiff's trademark has become distinctive, taken on secondary meaning, become widely known and has acquired a reputation for quality.
14. Defendants operate under the trade name USA Talent Agency.
15. USA Talent Agency maintains the website www.usatalentagency.com.
16. On January 28, 2005, Defendants registered the domain name washingtontalentagency.com.
17. Members of the public looking for washingtontalentagency.com are redirected to the website www.usatalentagency.com.
18. Defendants are not registered to conduct business in the District of Columbia, Maryland or Virginia.
19. Defendants have no history of operating under the name Washington Talent Agency.
20. Defendants' domain name is identical to Plaintiff's trademark.
21. Defendants registered the above domain name with a bad faith intent to profit from Plaintiff's trademark.
22. Defendants used Plaintiff's trademark to deceive consumers.
23. Defendants' use of Plaintiff's trademark has diverted legitimate business from the Plaintiff.

WHEREFORE, Plaintiff B&J Enterprises, LTD, demands that judgment be

entered against Defendants jointly and severally in the statutory amount of One Hundred Thousand Dollars (\$100,000.00) pursuant to 15 U.S.C. §1117; that Defendants be ordered to transfer the domain name registration for washingtontalentagency.com to the Plaintiff plus attorney fees, interest and costs.

COUNT II
(Trademark Infringement)

24. Plaintiff repleads and incorporates paragraphs 1-23 as though fully set forth herein.

25. Plaintiff has been operating continuously and without interruption under the business name Washington Talent Agency for more than twenty (20) years.

26. Notwithstanding the long use by Plaintiff of said trademark, Defendants, willfully disregarding Plaintiff's rights, registered a domain name and began marketing similar services to those provided by Plaintiff.

27. Defendants' use of the domain name washingtontalentagency.com creates a likelihood of confusion among consumers.

28. Plaintiff's mark and Defendants' domain name are virtually identical.

29. The services provided by Washington Talent Agency and those provided by Defendants are extremely similar in nature.

30. Defendants' registration of a domain name virtually identical to Plaintiff's mark for use in selling services similar to those of Plaintiff has caused confusion among consumers.

31. Such imitation of Plaintiff's trademark is calculated to deceive the

consumers of Plaintiff's services, and has mislead and still does mislead, many consumers into seeking services from Defendants in the belief that they are contacting Plaintiff.

32. As a result of Defendants' infringement, Plaintiff has been damaged to the amount Defendants benefitted from the web site www.washingtontalentagency.com.

WHEREFORE, Plaintiff demands that Defendants and their servants and agents be forever enjoined from advertising in any form under the name Washington Talent Agency or any variation thereof; that Defendants jointly and severally account for and turn over all profits realized through the website, plus attorney fees, interest and costs raised in pursuing this action.

JURY DEMAND

Plaintiff demands a trial by jury on all allegations contained herein.

Respectfully submitted,

LOUIS FIREISON & ASSOCIATES, P.A.

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